

MOTION BY SUPERVISOR HILDA L. SOLIS

June 22, 2015

On February 24<sup>th</sup>, the Board of Supervisors established a County Deferred Action Task Force to develop a plan for optimal implementation of two programs announced by President Obama on November 20<sup>th</sup>, 2014: Expanded Deferred Action for Childhood Arrivals (DACA) and Deferred Action for Parental Accountability and Lawful Permanent Residents (DAPA-LPR).

Following the vote, the Los Angeles County Interim Chief Executive Officer (CEO) set up the Task Force, held several meetings with County Departments, community groups and other stakeholders, and on May 26<sup>th</sup> delivered the County Deferred Action Task Force Report to the Board of Supervisors.

The Task Force, formed by 21 County Departments has two major goals. First is to increase awareness of DACA and DAPA programs, potential fraud and potential eligibility for new services and benefits. The other goal is to provide directions to access appropriate resources, including assistance with documents for physical presence, relationship and educational requirements.

A February 16th injunction by a federal judge delayed the scheduled implementation of the DACA and DAPA programs. The federal government appealed

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the temporary injunction to the Fifth Circuit, and at the same time, moved for a stay of the temporary injunction to allow the Executive Action to be implemented pending the appeal.

The stay of the temporary injunction was denied on May 26th but the appeal of the temporary injunction is still pending in the Fifth Circuit. The County has signed onto an amicus brief while litigation is pending in federal courts.

The Task Force identified a number of issues that need to be addressed. As a result of the national attention given to the President's Executive Order, there has been an increase in the number of immigration fraud complaints filed with Department of Consumer and Business Affairs (DCBA). In 2013, DCBA received 48 immigration related complaints. That number almost doubled in 2014 to 80. And in the first few months of 2015, 41 complaints have already been made.

To combat this uptick in immigration fraud complaints, the Task Force recommended a number of actions, including expanding the work of DCBA's outreach unit in fraud prevention workshops and fairs and the development of electronic assistance platforms.

Similarly, the Office of the Public Defender has seen an increased workload as it relates to immigration. Public Defenders must contend with the following irrespective of DACA/DAPA:

- Padilla v Kentucky: Supreme Court decision stating that defense attorneys are obligated to inform their clients of potential immigration consequences as a result of their criminal plea.
- Proposition 47: Allows certain low-level, non-violent felonies to be changed to misdemeanors on old criminal records. Cases are handled

by the Public Defender. Can make some individuals eligible for DACA/DAPA , as well as citizenship/permanent residence status.

- SB1310: Changed the maximum sentence on a misdemeanor to 364 days effective January 2015. 365 day sentences preclude many from applying for any type of immigration status. The Public Defender/District Attorney place quite a bit of significance on the plea as a result.

Finally, Los Angeles County is home to an estimated 112,000 young immigrants who are eligible for the existing DACA program which started in 2012 and is not being affected by the pending court battle.

That program has already benefited over 660,000 thousand young immigrants nationally and 67,000 in LA County, by offering a reprieve of deportation and a work permit to immigrants who were brought here as children, stay in school and meet other requirements.

DACA has changed people's lives in measurable ways: many have gotten new jobs, a driver's license, opened their new bank accounts, bought their first car and more importantly, have been able to step out of the shadows and feel a sense of peace, for the first time in their lives, that they won't be sent away from the country they call home. Many immigrants have yet to apply for many different reasons, but thousands that were initially ineligible due to age are now turning 15 and will be aging into the program this year and in the next few years. It is estimated that between 2015 and 2018, 21,000 Los Angeles County undocumented youth that were initially not eligible will become so at a rate of 5,250 per year.

The County Deferred Action Task Force's recommended assistance to the Extended DACA and DAPA programs that are currently enjoined by the courts can be implemented now to help those eligible for the 2012 DACA program, with definitive economic and social benefits for Los Angeles County.

**I, THEREFORE, MOVE** that the Board of Supervisors direct the Interim Chief Executive Officer to:

1. Direct the County Deferred Action Task Force to start implementing its recommendations as it relates to Extended DACA and DAPA, including offering information about service and benefits, legal referrals and assistance with documents required for physical presence, relationship and educational requirements.
2. Direct the County Deferred Action Task Force to begin assisting immigrants eligible for the currently in place Deferred Action for Childhood Arrivals (DACA) program in the County in the manner outlined above.
3. Direct the interim Chief Executive Officer to identify \$602,000 during Supplemental Changes, to further implement the recommendations of the County Deferred Action Task Force through the efforts of the Chief Executive Office, the Department of Consumer and Business Affairs, and the Public Defender's Office.

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SUP:HLS/pm